THE COMMISSION OF SATI (PREVENTION) BILL, 1987

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA). We shall now take up the next item on the Agenda. The Commission of Sati (Prevention) Bill, 1987, Shrimati Margaret Alva.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): Sir, Honourable Members had earlier discussed the issue of Sati, for two days, in this House. There was a rare unanimity in condemning the incident of the commission of Sati in the village of Deorala in Rajasthan and its subsequent glorification. This had aroused apprehensions all over the country, that this social evil persumed to have been eradicated a long time ago, would be revived. There was also a unanimous call for action, to prevent any such happening again Many Members had called for a strong and deterrent Central law to provide for the effective prevention of the commission of sati, and its glorification, so that this practice is not continued in States where there is no law for its prevention.

There are at present only the old enactments of Bengal and Tamilnadu, and the recently enacted Rajasthan Sati (Prevention) Act, 1987. Although the offence of *attempt to commit suicide* is contained in Section 309 of the Indian Penal Code and has been held by various High Courts, to include the commission of sati, the punishment is not deterrent enough to prevent it, nor is there any provision to prohibit its glorification

We have therefore introduced the Commission of Sati (Prevention) Bill for consideration and passing by the Rapya Sabha. The Bill defines Sati comprehensively to include not only the burning or burial alive of a widow with a deceased husband but also of a widow or woman, with the body of any other relative, or any article associated with the husband or relative. This is because we are informed by the State Government of Rajasthan that there have been such horrendous cases where a woman has been burnt alive, with a brother or step son.

Anyone who abets the commitment of Sati by inducement, encouragement, participation in processions, preventing the widow from saving herself, etc would be punishable by the maximum penalty i.e. death or imprisonment for life. The abetment of an 'attempt to commit' sati would be punishable with imprisonment for life.

In the case of persons prosecuted under these offences the burden of proof that he had not committed the offence shall be on him This is a principle already accepted by the House, in the case of the Dowry Prevention Act Those convicted for such offences shall be disqualified from inheriting the property of the person committing sati. Further, persons convicted under such offences shall be disqualified under the Representation of People's Act 1951 from the date of such conviction and shall continue to be disqualified for a further period of five years after release. The propagation of the practice of the commission of sati or its glorification by a candidate or his agent shall be deemed a corrupt practice under the Representation of People's Act.

In the rare event that a woman attempts to commit Sati, we realize that only a person under very great pressure or not in sound mind, would attempt to commit Sati and have therefore specifically provided that, the court trying such an offence, should, before convicting any person, take into consideration the circumstances leading to the commission of the offence. To differentiate the *'attempt to commit Sati'* from the offence of *'attempt to commit suicide'* in the Indian Penal Code, we have accepted the suggestion made in the Lok Sabha to provide a lesser punishment.

Glorification of Sati has ben defined in detail and includes observance of ceremonies, collection of funds and construction of temples We propose punishment by imprisonment which may extend to seven years for the offence of glorification

[Shrimati Margaret Alva]

of Sati. Since the provisions of the Bill necessarily have to be prospective, acts of glorification carried out in future would be covered. We have specifically provided power to the Collector/State Government, if satisfied that in any temple or structure, any ceremony is carried out, with a view to perpetuate the concept of *sati* as dealt with in this Bill, the State Government, in the case of older structures, i.e. those that have been in exisence for more than 20 years and the Collector in other cases, can direct the removal of such temple or structure. I may mention, that the Rajasthan Act, did not apply to temples and structures constructed before the commencement of this Act—this has been struck down by the Rajasthan High Court The Collector can also seize properties collected for the glorification of Sati. These provisions are essential if we are to launch a total war on this perverse practice and strengthen the hands of State Governments to bring it to an end.

Certain procedures have been laid down relating to setting up of special courts and appointment of special public prosecutors, laying an obligation on certain persons to report on commission or threat of commission of offence, etc. All laws in force immediately before commencement of the proposed Central Act, will stand repealed, but anything done under the laws repealed, shall be deemed to have been done, under the corresponding provisions of this Act.

Sir, I am confident that the hon. Members will pass the Bill with the same unanimity of purpose with which they discussed the incident of Sati earlier this session

I am glad to see that even the Opposition Leaders who have withdrawn from the House earlier have returned to show their support.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): How can we resist?

SHRIMATI MARGARET ALVA: to the cause of women if not to the cause of tax reforms I thank them for their presence.

With these few words I commend the Bill for their consideration.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): There is one amendment by Shri Gurudas Das Gupta

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I move.

"That the Bill to provide for the more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto, be referred to a Select Committee of the Rajya Sabha consisting of the following Members, nameby:—

1. Shrimati Shanti Pahadia
2. Shrimati Renuka Chowdhury
3. Shrimati Kanak Mukherjee
4. Shri M. S Gurupadaswamy
5. Shri Gurudas Das Gupta
6. Shri Chaturanan Mishra
7. Shri N E Balaram
8. Shri Suraj Prasad

with instructions to report by the second week of the next Session."

The questions were proposed.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Before we consider the Bill, I permit Mr. Gurudas Das Gupta to raise a matter.

RE. TRAIN ACCIDENT AT SHAMBHU RAILWAY STATION IN PATIALA DISTRICT

SHRI GURUDAS DAS GUPTA (Bengal) Mr Vice-Chairman, Sir with a heavy heart, I draw the attention of the House to a UNI creed just a few minutes back which says, there has been a serious train accident involving death of eight people and injury to more than fifty-seven people when a goods train rammed into the rear of 350 Down Amritsar-Haridwar train at Shambhu railway station in